

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America,

—v—

Jesus Rivera,

Defendant.

20-cr-304 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

As noted at the initial pretrial conference, a jury trial in this matter is scheduled to begin on January 25, 2020. Any defense motions are due no later than October 19, 2020. If such motions are filed, the Government's opposition is due no later than November 2, 2020, and a reply due no later than November 9, 2020.

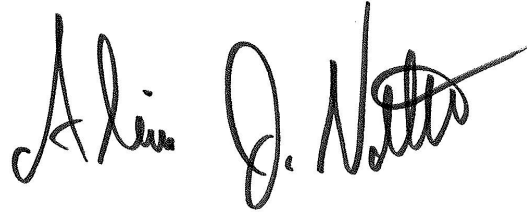
In addition, the Court will hold a bail appeal hearing in the week of August 3, 2020. The Court will provide the time and date of the proceeding next week. The Court also orders the Defendant to submit briefing no later than July 24, 2020 and the Government to submit an opposition no later than July 28, 2020. The Defendant may submit a reply no later than July 30, 2020.

In light of the COVID public health crisis, there are significant safety issues related to in-court proceedings. If the Defendant is willing to waive his physical presence, this proceeding will be conducted remotely. To that end, defense counsel should confer with the Defendant regarding waiving his physical presence. If the Defendant wishes to waive his physical presence for this proceeding, he and his counsel should sign the attached form in advance of the proceeding and return the form to the Court no later than July 31, 2020. *See* Standing Order

Relating to Signatures and the Form of Consents and Waivers in Criminal Cases, No. 20-mc-174
(March 27, 2020).

SO ORDERED.

Dated: July 20, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", with a stylized flourish at the end.

ALISON J. NATHAN
United States District Judge

April 2, 2020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

**WAIVER OF RIGHT TO BE PRESENT AT
CRIMINAL PROCEEDING**

,
Defendant.

-CR- ()

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Check Proceeding that Applies

____ Arraignment

I have been given a copy of the indictment containing the charges against me and have reviewed it with my attorney. I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York to confirm that I have received and reviewed the indictment; to have the indictment read aloud to me if I wish; to enter a plea of either guilty or not guilty before the judge; and to have an attorney beside me as I do. By signing this document, I wish to advise the court that after consultation with my attorney I willingly give up my right to appear in person before the judge for my arraignment. By signing this document, I also wish to advise the court that I willingly give up any right I might have to have my attorney next to me for my arraignment so long as the following conditions are met. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf during the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date:

Signature of Defendant

Print Name

____ Bail Hearing

I am applying or in the future may apply for release from detention, or if not detained, for modification of the conditions of my release from custody, that is, my bail conditions. I understand that I have a right to appear in person before a judge in a courtroom in the Southern District of New York at the time that my attorney makes such an application. I have discussed these rights with my attorney and wish to give up these rights due to the COVID-19 pandemic so long as the following conditions are met. I request that my attorney be permitted to make applications for my release from custody or for modification of the conditions of my release, even though I will not be physically present. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date:

Signature of Defendant

Print Name

____ Conference

I have been charged in an indictment with violations of federal law. I understand that I have a right to be present at all conferences concerning this indictment that are held by a judge in the Southern District of New York, unless the conference involves only a question of law. I understand that at these conferences the judge may, among other things, 1) set a schedule for the case including the date at which the trial will be held, and 2) determine whether, under the Speedy Trial Act, certain periods of time should be properly excluded in setting the time by which the trial must occur. I have discussed these issues with my attorney and wish to give up my right to be physically present at the upcoming conference. By signing this document, I wish to advise the court that I willingly give up my right to be physically present at the upcoming conference in my case on account of the COVID-19 pandemic so long as the following conditions are met. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf during the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date:

Signature of Defendant

Print Name

I hereby affirm that I am aware of my obligation to discuss with my client the charges contained in the indictment, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver form. I affirm that my client knowingly and voluntarily consents to the proceedings being held in my client's absence. I will inform my client of what transpires at the proceedings and provide my client with a copy of the transcript of the proceedings, if requested.

Date:

Signature of Defense Counsel

Print Name

Addendum for a defendant who requires services of an interpreter:

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is:

_____.

Date:

Signature of Defense Counsel

Accepted:

Signature of Judge

Date: